

DAVIS WRIGHT TREMAINE LLP

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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JEFFREY MARTINS,	)	Case No. C 13-00591 LB
	)	
Plaintiff,	)	SETTLEMENT AGREEMENT
	)	REGARDING ATTORNEYS' FEES
v.	)	
	)	
UNITED STATES CITIZENSHIP AND	)	Action Filed: February 11, 2013
IMMIGRATION SERVICES, an agency of the	)	
United States Department of Homeland Security;	)	
UNITED STATES DEPARTMENT OF	)	
HOMELAND SECURITY; ALEJANDRO	)	
MAYORKAS, in his official capacity as Director	)	
of United States Citizenship and Immigration	)	
Services; JANET NAPOLITANO, in her official	)	
capacity as Secretary of the Department of	)	
Homeland Security,	)	
	)	
Defendants.	)	

**Additional Counsel for Plaintiff**

ROBIN L. GOLDFADEN (SBN 208055)  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
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In consideration of the terms set forth in this Settlement Agreement Regarding Attorneys' Fees and the covenants and conditions contained herein (the "Agreement"), Plaintiff Jeffrey Martins ("Plaintiff") and Defendants United States Citizenship and Immigration Services (USCIS), United States Department of Homeland Security (DHS), Alejandro Mayorkas, in his official capacity as Director of USCIS, and Rand Beers (substituted for Janet Napolitano), in his official capacity as Secretary of the DHS, (collectively, "Defendants"), by and through their undersigned counsel, hereby agree as follows:

WHEREAS, on November 18, 2013, Plaintiff and Defendants (collectively, the "Parties") entered into a Settlement Agreement resolving their dispute in its entirety except for the amount of attorneys' fees, if any, Defendants would pay to Plaintiff;

WHEREAS, after good-faith negotiations, the Parties have agreed to resolve the issue of attorneys' fees subject to the conditions set forth in this Agreement.

IT IS HEREBY AGREED AS FOLLOWS:

Defendant will pay to Plaintiff's attorneys, the sum of \$250,000 (two hundred fifty thousand dollars) in full settlement of Plaintiff's claim for attorneys' fees. Payment shall be made as soon as practicable after Defendants provide to the Court and Plaintiff's counsel (as contemplated by Paragraph 1 of the Settlement Agreement filed in this action on November 18, 2013) written confirmation demonstrating their compliance with the terms of the Settlement Agreement and upon the Court's dismissal of the Complaint with prejudice (as contemplated by Paragraph 2 of the November 18, 2013, Settlement Agreement).

1. Although funds shall not become payable until after the complaint is dismissed with prejudice, to prevent delay of payment Defendant shall initiate processing a request for payment of the funds immediately upon execution of this Agreement so that funds are available when due. Payment of the sum shall be made by transmitting an Electronic Funds Transfer ("EFT") or by a check payable to: Davis Wright Tremaine LLP at the address set forth below:

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505 Montgomery Street, Suite 800  
San Francisco, California 94111-6533

This payment shall constitute the full and final satisfaction of any and all of Plaintiff's claims for attorney's fees, costs, and litigation expenses that could have been brought in the above-captioned matter, and is inclusive of any interest, provided however that Plaintiff shall not be precluded from seeking attorneys' fees, costs or other litigation expenses in the event of Defendants' material noncompliance with the November 18, 2013 Settlement Agreement.

MELINDA HAAG  
United States Attorney

Dated this 20th day of December, 2013.

By: /s/ Abraham A. Simmon  
ABRAHAM A. SIMMONS  
Assistant United States Attorney  
Office of the United States Attorney  
for the Northern District of California  
For Defendants

Dated this 20th day of December, 2013.

/s/ Thomas R. Burke  
Thomas R. Burke  
Davis Wright Tremaine LLP

Robin Goldfaden  
Lawyers' Committee for Civil Rights of the  
San Francisco Bay Area  
For Plaintiff

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Thomas R. Burke, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

/s/ Thomas R. Burke  
Thomas R. Burke

IT IS SO ORDERED:

Dated this 20th day of Dec., 2013.

  
Honorable Laurel Beeler  
United States Magistrate Judge